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Attorney for Defendants
Chevron Corp. and Chevron U.S.A. Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CITY OF HOBOKEN

Plaintiff,

v.

EXXON MOBIL CORP.,
EXXONMOBIL OIL CORP., ROYAL
DUTCH SHELL PLC, SHELL OIL
COMPANY, BP P.L.C., BP AMERICA
INC., CHEVRON CORP., CHEVRON
U.S.A. INC., CONOCOPHILLIPS,
CONOCOPHILLIPS COMPANY,
PHILLIPS 66, PHILLIPS 66
COMPANY, AMERICAN
PETROLEUM INSTITUTE,

Defendants.

Civil Action No.

**DECLARATION OF JOSHUA D.
DICK IN SUPPORT OF NOTICE
OF REMOVAL BY DEFENDANTS
CHEVRON CORPORATION AND
CHEVRON U.S.A. INC.**

**[Removal from the Superior Court
of New Jersey]**

Action Filed: September 2, 2020

I, Joshua D. Dick, declare as follows:

1. I am an attorney admitted to practice in the State of California, and my application for admission *pro hac vice* before this Court is forthcoming. I am a partner in the law firm of Gibson, Dunn & Crutcher, LLP, and I am one of the attorneys responsible for the representation of Defendants Chevron Corp. and Chevron U.S.A. Inc. (together “the Chevron Parties”) in this matter. I make this declaration in support of the Chevron Parties’ Notice of Removal, filed concurrently herewith.

2. The consent of the other Defendants is not required because removal does not proceed “solely under 28 U.S.C § 1441.” 28 U.S.C § 1446(b)(2)(A). The Chevron Parties have removed this action to federal court on several bases including, for example, 28 U.S.C § 1442(a)(1). Further, consent is not required from any Defendant that has not been served. *See* 28 U.S.C § 1446(b)(2)(A); *Balazik v. Cty. of Dauphin*, 44 F.3d 209, 213 n.4 (3d Cir. 1995) (“[W]hen a non-resident defendant has not been served at the time the removing defendants filed their petition” they do not need to consent to removal.). Nevertheless, “all defendants who have been properly joined and served” consent to the removal of this action. 28 U.S.C. § 1446(b)(2)(A). Such consents were provided to counsel for the Chevron Parties in correspondence with the other served Defendants and/or their counsel.

3. Unless otherwise stated, the following facts are within my personal knowledge through personal review of the documents and information described herein or through information gathered and provided to me by individuals at my firm, at my direction. If called and sworn as a witness, I could and would testify competently thereto.

4. Attached hereto as **Exhibit 1** is a copy of the Complaint filed in this action.

5. Attached hereto as **Exhibit 2** is a true and correct copy of Steven Rattner's article, *Long-Inactive Oilfield is Open—for Now*, published in the New York Times on October 31, 1977.

6. Attached hereto as **Exhibit 3** is a true and correct copy of Robert Lindsey's article, *Elk Hill Reserve Oil Will Flow Again*, published in the New York Times on July 3, 1976.

7. Attached hereto as **Exhibit 4** is a true and correct copy of a Mineral Lease of Submerged Lands Under the Outer Continental Shelf Lands Act, Form MMS-2004 (June 1991).

8. Attached hereto as **Exhibit 5** is a true and correct copy of an Oil and Gas Lease of Submerged Lands Under the Outer Continental Shelf Lands Act, Form BOEM-2005 (February 2017).

9. Attached hereto as **Exhibit 6** is a true and correct copy of the June 19, 1944 Unit Plan Contract between the Navy Department and Standard Oil Company of California.

10. Attached hereto as **Exhibit 7** is a true and correct copy of an Oil and Gas Lease Under the Mineral Lands Leasing Act, Form 3100-11 (October 2008).

11. Attached hereto as **Exhibit 8** is a true and correct copy of Records Concerning Reserves in the U.S. and PAW Districts 1941-45, Elk Hills, collected at the National Archives in Suitland, Maryland.

12. Attached hereto as **Exhibit 9** is a true and correct copy of the records of the Proceedings and Debates on the Outer Continental Shelf Lands Act Amendments of 1975, Congressional Record pages S903-11, dated January 27, 1975.

13. Attached hereto as **Exhibit 10** is a true and correct excerpted copy of the Comprehensive Energy Plan, House of Representatives Document Number 93-406, dated December 10, 1974.

14. Attached hereto as **Exhibit 11** is a true and correct excerpted copy of G.S. Callendar's *The Artificial Production of Carbon Dioxide and Its Influence on Temperature*, first published February 16, 1938, and reprinted by the Quarterly Journal of the Royal Meteorological Society, September 10, 2007.

15. Attached hereto as **Exhibit 12** is a true and correct copy of W.K.'s *How Industry May Change Climate*, published in the New York Times on May 24, 1953.

16. Attached hereto as **Exhibit 13** is a true and correct copy of *Invisible Blanket*, published in Time Magazine on May 25, 1953.

17. Attached hereto as **Exhibit 14** is a true and correct copy of *Industrial Gases Warming Up Earth, Physicist Notes Here*, published in the Washington Post on May 5, 1953.

18. Attached hereto as **Exhibit 15** is a true and correct copy of page A1 of the December 8, 1957 edition of the Washington Post, as reprinted on ProQuest Historical Newspapers.

19. Attached hereto as **Exhibit 16** is a true and correct excerpted copy of the records of the Independent Offices Subcommittee of the House Committee on Appropriations's Hearing on Appropriations for the International Geophysical Year, held on March 8, 1956.

20. Attached hereto as **Exhibit 17** is a true and correct copy of a Memorandum composed by Daniel Patrick Moynihan on September 17, 1969.

21. Attached hereto as **Exhibit 18** is a true and correct excerpted copy of the World Meteorological Organization and United Nations Environment Programme's Intergovernmental Panel on Climate Change ("IPCC") 1990 First Assessment Report.

22. Attached hereto as **Exhibit 19** is a true and correct excerpted copy of the IPCC's 1995 Second Assessment Report.

23. Attached hereto as **Exhibit 20** is a true and correct excerpted copy of the IPCC's 2001 Third Assessment Report.

24. Attached hereto as **Exhibit 21** is a true and correct copy of the EPA's Guide to Climate Change, published in 2002.

25. Attached hereto as **Exhibit 22** is a true and correct copy of the report on the Production by Operator Ranked by Volume for the Gulf of Mexico Region between 1947 and 1995, published by the Minerals Management Service ("MMS") of the U.S. Department of the Interior on December 22, 2000.

26. Attached hereto as **Exhibit 23** is a true and correct excerpted copy of the records of the Hearings before the Committee on Naval Affairs of the House of Representatives on Estimates Submitted by the Secretary of the Navy, which took place in 1915, reprinting excerpts of President William H. Taft's September 6, 1910 address at the Proceedings of the Second National Conservation Congress.

27. Attached hereto as **Exhibit 24** is a true and correct excerpted copy of Daniel Yergin's *The Prize: The Epic Quest for Oil, Money & Power*, published in 1991.

28. Attached hereto as **Exhibit 25** is a true and correct excerpted copy of Jay Hakes's *A Declaration of Energy Independence*, published in 2008.

29. Attached hereto as **Exhibit 26** is a true and correct excerpted copy of the Outer Continental Shelf Lands Act Amendments of 1977, published in House Report No. 95-590.

30. Attached hereto as **Exhibit 27** is a true and correct copy of the Operating Agreement between Navy Department and Standard Oil Company of California, Relating to Naval Petroleum Reserve No. 1 (Elk Hills), dated November 3, 1971, Contract No. NOd-9930.

31. Attached hereto as **Exhibit 28** is a true and correct copy of a letter from J.R. Grey, President of the Standard Oil Company of California, to Jack L. Bowers, Secretary of the Navy, requesting to terminate its position as Operator of the Elk Hills Reserve, dated January 7, 1975.

32. Attached hereto as **Exhibit 29** is a true and correct copy of a Letter addressed to the Operator from L. Dennett, Associate Director for Royalty Management, United States Department of the Interior, Minerals Management Service (“MMS”), dated December 14, 1999.

33. Attached hereto as **Exhibit 30** is a true and correct copy of the news release, *MMS RIK Program to Help Fill Strategic Petroleum Reserve*, published by the MMS on May 31, 2007.

34. Attached hereto as **Exhibit 31** is a true and correct excerpted copy of John W. Frey and H. Chandler Ide's *A History of the Petroleum Administration for War*, published in 1946.

35. Attached hereto as **Exhibit 32** is a true and correct excerpted copy of the 1968 Historic American Engineering Record No. TX-76, War Emergency Pipeline Inch Lines Historic District, from the National Parks Service.

36. Attached hereto as **Exhibit 33** is a true and correct excerpted copy of the Certificate of Dissolution of War Emergency Pipelines, Inc., dated August 28, 1947.

37. Attached hereto as **Exhibit 34** is a true and correct excerpted copy of the Fourth Annual Report of the Activities of the Joint Committee on Defense Production, printed at House Report No. 84-1, dated January 5, 1955.

38. Attached hereto as **Exhibit 35** is a true and correct excerpted copy of the Twenty-Fourth Annual Report of the Activities of the Joint Committee on Defense Production, dated January 17, 1975.

39. Attached hereto as **Exhibit 36** is a true and correct excerpted copy of the records of the Hearing on Senate Joint Resolution 176, To Authorize the Production of Petroleum from Naval Petroleum Reserve Numbered 1 (Elk Hills, Calif.), before the Subcommittee on National Stockpile and Naval Petroleum

Reserve, of the Committee on Armed Services, United States Senate, December 1973.

40. Attached hereto as **Exhibit 37** is a true and correct copy of John W. Finney's article, *Fuel is Diverted for the Military*, printed in the New York Times on November 28, 1973.

41. Attached hereto as **Exhibit 38** is a true and correct excerpted copy of Gregory Pedlow and Donald Welzenbach's 1992 report, *The Central Intelligence Agency and Overhead Reconnaissance: The U-2 and OXCART Programs, 1954-1974*.

42. Attached hereto as **Exhibit 39** is a true and correct copy of CIA Doc. No. CIA-RDP90B00170R000100080001-5, Clarence L. Johnson, Development of the Lockheed SR-71 Blackbird, dated August 3, 1981.

43. Attached hereto as **Exhibit 40** is a true and correct excerpted copy of Ben Rich and Leo Janos's *Skunk Works*, published in 1994.

44. Attached hereto as **Exhibit 41** is a true and correct copy of CIA Doc No. CIA-RDP67B00074R000500400016-2, Contract No. AF33(657)-8577 (SH-511), dated August 14, 1962.

45. Attached hereto as **Exhibit 42** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500400012-6, Amendment No. 2 to Contract No. AF33(657)-5577 (SH-511), dated August 26, 1963.

46. Attached hereto as **Exhibit 43** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500440005-0, Concurrence in Contract No. SH-515 with Shell Oil Company, Project OXCART, dated September 20, 1963.

47. Attached hereto as **Exhibit 44** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500450004-0, Contract No. AF33(657)-13272 (SH-516), dated June 30, 1964.

48. Attached hereto as **Exhibit 45** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500440006-9, Contract No. AF33(657)-12525 (SH-515), dated September 20, 1963.

49. Attached hereto as **Exhibit 46** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500430003-3, Concurrence in Contract No. SH-514 with Shell Oil Company, New York, N.Y., dated June 28, 1963.

50. Attached hereto as **Exhibit 47** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500420006-1, Contract No. AF33(657)10449 (SH-513), dated February 25, 1963.

51. Attached hereto as **Exhibit 48** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500410006-2, Contract No. AF33(657)-8582 (SH-512), dated September 13, 1962.

52. Attached hereto as **Exhibit 49** is a true and correct copy of CIA Doc. No. CIA-RDP63-00313A000500130031-9, Summary of OSA Activities for Week Ending 21 August 1963, dated August 23, 1963.

53. Attached hereto as **Exhibit 50** is a true and correct copy of the DLA Detail Specifications for Turbine Fuels, Aviation Kerosene Types, NATO F-34(JP-8), NATO F-35, and JP-8+100, MIL-DTL-83133E, dated April 1, 1999.

54. Attached hereto as **Exhibit 51** is a true and correct copy of U.S. Army Corps of Engineers Engineering Circular 1105-2-186, Planning Guidance on the Incorporation of Sea Level Rise Possibilities in Feasibility Studies, dated April 21, 1989.

55. Attached hereto as **Exhibit 52** is a true and correct copy of U.S. Army Corps of Engineers Technical Letter 1100-2-1, Procedures to Evaluate Sea Level Change: Impacts, Responses, and Adaptation, dated June 30, 2014.

56. Attached hereto as **Exhibit 53** is a true and correct copy of the Statement of Senator Mark Pryor before Congress on February 9, 2005, recorded at 151 Cong. Rec. S1157-65.

57. Attached hereto as **Exhibit 54** is a true and correct excerpted copy of the Report by the Ad Hoc Select Committee on the Outer Continental Shelf, published in House Report No. 94-1084 in 1976.

58. Attached hereto as **Exhibit 55** is a true and correct copy of a telegram from P.M. Robinson, PAW Assistant Director of Refining, to Ralph K. Davies, PAW Deputy Administrator, dated August 12, 1942.

59. Attached hereto as **Exhibit 56** is a true and correct excerpted copy of W.J. Sweeney's *Aircraft Fuels and Propellants, Report for the Army Air Force Scientific Advisory Group*, published in 1946.

60. Attached hereto as **Exhibit 57** is a true and correct excerpted copy of I. Waitz, S. Lukachko, and J. Lee's *Military Aviation and the Environment: Historical Trends and Comparison to Civil Aviation*, published in Volume 45 of the Journal of Aircraft at 2, in 2005.

61. Attached hereto as **Exhibit 58** is a true and correct excerpted copy of the *Handbook of Aviation Fuel Properties*, CRC Report No. 635, published by the Coordinating Research Council in 2004.

62. Attached hereto as **Exhibit 59** is a true and correct excerpted copy of the remarks of Secretary Harold Ickes to the Conference of Petroleum Industry Chairmen on August 11, 1941.

63. Attached hereto as **Exhibit 60** is a true and correct chart of exemplary contracts between Tesoro Corporation and the U.S. Department of Defense, along with excerpts of the exemplary contracts described therein.

64. Attached hereto as **Exhibit 61** is a true and correct copy of *Physicist Says Industrial Gases Makes World Climate Warmer*, published in Paterson, New Jersey newspaper The Morning Call on May 5, 1953, as reprinted on Newspapers.com.

65. Attached hereto as **Exhibit 62** is a true and correct copy of page 13 of the September 23, 1955 edition of the New Jersey Herald-News newspaper, as reprinted on Newspapers.com.

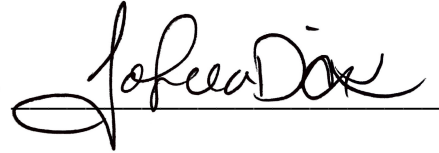
66. Attached hereto as **Exhibit 63** is a true and correct copy of page 18 of the July 22, 1956 edition of New Jersey's Asbury Park Press, as reprinted on Newspapers.com.

67. Attached hereto as **Exhibit 64** is a true and correct excerpted copy of History of Naval Petroleum Reserve No. 1 (Elk Hills) 1912-1987, prepared by Systematic Management Services, Inc., published on May 15, 1989.

68. Attached hereto as **Exhibit 65** is a true and correct copy of *Growing Blanket of Carbon Dioxide Raises Earth's Temperature*, published in Popular Mechanics in August 1953.

69. Attached hereto as **Exhibit 66** is a true and correct excerpted copy of the Department of Defense Defense Handbook on Aerospace Fuels Certification, MIL-HDBK-510A, published in August 2014.

I declare under penalty of perjury under the laws of the State of New Jersey and the United States of America that the foregoing is true and correct and that I executed this Declaration on October 9, 2020, at San Francisco, California.

A handwritten signature in black ink, appearing to read "Jofee Dine", is written over a horizontal line.